

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN

APPLETON PAPERS INC. and
NCR CORPORATION,

Plaintiffs,

v.

Case No. 08-C-16

GEORGE A. WHITING PAPER COMPANY,
P.H. GLATFELTER COMPANY and
MENASHA CORPORATION,

Defendants.

**ORDER GRANTING RECONSIDERATION AND REGARDING
NUMEROUS MOTIONS FILED IN 2009**

Plaintiff Appleton Papers Inc. filed a motion for reconsideration on a limited point. Specifically, it asks that I reconsider my conclusion, in my March 1, 2011, Decision and Order that its liability under CERCLA had been conceded. It notes that it has consistently denied CERCLA liability in this action, and in fact its counsel offered oral argument on the point at some length. In the related enforcement action, Case No. 10-C-910, it is contesting liability as well.

Appleton Papers is correct that there was no basis to conclude that it had “conceded” its liability in this action. Although there are a number of arguments suggesting that it is, or will be, liable, these arguments had not yet been addressed squarely. (They are addressed in today’s order in Case No. 10-C-910.)

The motion for reconsideration is thus **GRANTED**.

It has also come to this Court’s attention that a number of motions remain pending from 2009, many of which appear to have been rendered moot or have implicitly been decided by one or

more of this Court's other decisions. The following motions, designated by docket number, are **DENIED**: 601, 631, 696, 720, 731, 753, 758, 763, 767, 770, 772, 776. If any party believes any of these motions requires Court action, it may notify the Court to that effect.

SO ORDERED this 5th day of July, 2011.

/s William C. Griesbach
William C. Griesbach
United States District Judge